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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,715	01/28/2002	Douglas William Hamilton	7250-12	8680

7590

06/08/2004

Thomas Q Henry  
Woodard Emhardt Naughton Moriarty & McNett  
Bank One Tower  
111 Monument Circle Suite 3700  
Indianapolis, IN 46204

EXAMINER
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KOSSON, ROSANNE

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/889,715

Applicant(s)

HAMILTON ET AL.

Examiner

Rosanne Kosson

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-65 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-29 and 64, drawn to a substrate for cell growth comprising a polysaccharide and a cell adhesion protein.

Group II, claim(s) 30, drawn to a substrate for cell growth comprising a polysaccharide and a blood plasma component.

Group III, claim(s) 31-35, drawn to a substrate in the form of a fiber.

Group IV, claim(s) 36-40, drawn to a substrate in the form of a sheet or film.

Group V, claim(s) 41-47 and 65, drawn to an assembly of fibers.

Group VI, claim(s) 48-54, drawn to a method of producing a cell growth substrate comprising extruding and precipitation.

Group VII, claim(s) 55-57 and 59, drawn to a method of producing a cell growth substrate comprising layering.

Group VIII, claim(s) 55 and 58, drawn to a method of producing a cell growth substrate comprising spraying.

Group IX, claim(s) 60 and 62, drawn to a method of cell culture on a substrate.

Group X, claim(s) 61 and 63, drawn to a method of cell culture on an assembly of fibers.

The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons. The invention of Group I is anticipated by Sefton et al. (U.S. 6,261,585) which discloses an

Art Unit: 1651

immobilization matrix made of alginate or chitosan, for controlling cell distribution and viability, combined with a bioactive compound such as fibronectin, for promoting cell growth (see column 9, line 52, to column 10, line 17). The invention of Group I is also anticipated by Arnold (U.S. 5,759,570) which discloses a wound contact layer in a wound dressing comprising, e.g., alginate, fibronectin or mixtures thereof (see claim 8 and column 4, lines 26-38). Groups II-V are drawn to additional product inventions. Groups VI-X are drawn to additional process inventions. The inventions of Groups II-X are not disclosed in the cited references. Because the invention of Group I is anticipated by the cited references, it is clear that the claims lack a single common technical feature which defines them over the prior art. Therefore, a holding of lack of unity of invention is proper.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- (a) the polysaccharides of claim 18;
- (b) the cell adhesion proteins of claim 28;
- (c) a cell adhesion protein or a blood plasma component in claim 55.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The following claim(s) are generic: 18 and 28.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons. The Sefton and Arnold references discussed above do not disclose all of the polysaccharides listed in claim 18. Further, these references do not disclose blood plasma components or all of the cell adhesion proteins listed in claim 28. Because the claimed species do not share a special technical feature, a holding of lack of unity of invention is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosanne Kosson whose telephone number is 571-272-2923. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/889,715  
Art Unit: 1651

Page 5

Rosanne Kosson  
Examiner  
Art Unit 1651

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2004-06-04



FRANCISCO PRATS  
PRIMARY EXAMINER